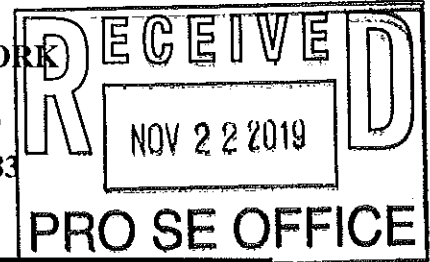


Southern
UNITED STATES DISTRICT COURT
DISTRICT COURT OF NEW YORK

FORM TO BE USED IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983
(Prisoner Complaint Form)



1. CAPTION OF ACTION

19 CV 10868

A. Full Name and Prisoner Number of Plaintiff: NOTE: *If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application and a signed Authorization or the only plaintiff to be considered will be the plaintiff who filed an application and authorization.*

KEITH TERRELL BUTLER 19A0179

-VS-

B. Full Name(s) of Defendant(s) NOTE: *Pursuant to Fed. R. Civ. P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant.*

COUNTY of Suffolk Joseph A. Nanshe attorney at law

1. <u>ERROL Toulon Sheriff of S. C.</u>	2. <u>Alex</u>
3. <u>DR. JAMES L. TOMARKEN</u>	4. <u>EDWARDS</u> <i>1 other</i>
5. <u>Justin Francis</u>	6. <u>C.J. SCOCRI</u> <i>plus John DOES INVOLVED</i>
<u>CO. #1688</u>	<u>CO. #1491</u>

2. STATEMENT OF JURISDICTION

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over the action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4), and 2201.

3. PARTIES TO THIS ACTION

PLAINTIFF'S INFORMATION NOTE: *To list additional plaintiffs, use this format on another sheet of paper.*

Name and Prisoner Number of Plaintiff: _____

Present Place of Confinement & Address: _____

Name and Prisoner Number of Plaintiff: _____

Present Place of Confinement & Address: _____

DEFENDANTS INFORMATION NOTE: To list additional defendants, use this format on another sheet of paper.

Name of Defendant: ENOI Toulon Suffolk county sheriff
(If applicable) Official Position of Defendant Chief of sheriff department at Suffolk County Jail
(If applicable) Defendant is Sued in ✓ Individual and/ or ✓ Official Capacity
Address of Defendant: ~~100 center drive~~ Suffolk county sheriff's department 100 center Drive
Riverhead, New York 11901

Name of Defendant: DR. James L. Tomarken
(If applicable) Official Position of Defendant Health Services commissioner
(If applicable) Defendant is Sued in ✓ Individual and/ or ✓ Official Capacity
Address of Defendant: Suffolk county sheriff's department 100 center Drive Riverhead
NY 11901

Name of Defendant: Justin Francis
(If applicable) Official Position of Defendant correctional officer (SERT) Suffolk county emergency response team
(If applicable) Defendant is Sued in ✓ Individual and/ or ✓ Official Capacity
Address of Defendant: ~~100~~ Suffolk county sheriff's department 100 center Drive Riverhead
NY 11901

4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action? Yes r No ✓

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

Name(s) of the parties to this other lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2 Court (if federal court, name the district; if state court, name the county): _____

Docket or Index Number: _____

Name of the Judge whom case was assigned: _____

~~XXXX~~

Correction officer Alex

Defendant is sued in ☒ Individual and/or ☒
official capacity

Suffolk County Sheriff's Department 100 Center Drive
Riverhead, NY 11901

Correction officer: Edwards

Defendant is sued in ☒ Individual and/or ☒ official
capacity

Suffolk County Sheriff's Department 100 Center Drive
Riverhead, NY 11901

Correction officer #1688

Defendant is sued in ☒ Individual and/or ☒ official
capacity

Suffolk County Sheriff's Department 100 Center Drive
Riverhead, NY 11901

Correction officer #1491

Defendant is sued in ☒ Individual and/or ☒ official
capacity

Suffolk County Sheriff's Department 100 Center Drive
Riverhead, NY 11901

The approximate date the action was filed: _____

What was the disposition of this case?

Is it still pending? Yes _____ No _____
If not, give the approximate date it was resolved. _____

Disposition (check the boxes which apply)

- ☐ Dismissed (check the boxes which indicates why it was dismissed):
- ☐ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;
 - ☐ By court for failure to exhaust administrative remedies;
 - ☐ By court for failure to prosecute, pay filing fee or otherwise Respond to a court order;
 - ☐ By court due to voluntary withdrawal of claim;
 - ☐ Judgment upon motion or after trial entered for
 - ☐ plaintiff
 - ☐ defendant

Have you begun any other lawsuits in federal court which relate to your imprisonment?

Yes _____ No ☒

If Yes, complete the next section. NOTE: If you have brought more than one other lawsuit dealing with your imprisonment, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:
Plaintiff(s): _____
Defendant(s): _____
2. District Court: _____
3. Docket Number: _____
4. Name of District or Magistrate Judge to whom case was assigned: _____
5. The approximate state the action was filed in: _____

6. What was the disposition of the case?

Is it still pending? Yes _____ No _____

If not, give the approximate date it was resolved. _____

Disposition (check the boxes which apply)

☐ Dismissed (check the boxes which indicates why it was dismissed):

☐ By court sua sponte as frivolous, malicious or for failing to state a claim upon which relief can be granted;

☐ By court for failure to exhaust administrative remedies;

☐ By court for failure to prosecute, pay filing fee or otherwise Respond to a court order;

☐ By court due to voluntary withdrawal of claim;

☐ Judgment upon motion or after trial entered for

☐ plaintiff

☐ defendant

5. STATEMENT OF CLAIM

For your information, the following is a list of some of the most frequently raised grounds for relief in proceedings under 42 U.S.C. § 1983 (This list does not include all possible claims.)

Religion ✓

Access to the Courts ✓

Search & Seizure ✓

Free Speech ✓

False Arrest

Malicious Prosecution ✓

Due Process ✓

Excessive Force ✓

Denial of Medical Treatment ✓

Equal Protection ✓

Failure to Protect

Right to Counsel ✓

Please note that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims.

Fed. R. Civ. P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of *res judicata*, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

Fed R. Civ. P. 10(b) states that "[a]ll averments of claim...Shall be made in numbered paragraphs, the contents of which shall be limited as far as practicable to a single set of circumstances"

A. FIRST CLAIM: On (date of incident) 9-19-2018 at 8:15 PM 4 South EAST Shu
 defendant (give the name and position held of each defendant involved in this incident) Justin Francis
Alex, Edwards, 1688, 1491, 1639 Corrections Officers (COs) 283, is a SGT

L.T. Leading (serT) John Doe SGT. John Doe (1) John Doe (2) John Doe (3) John Doe (4)

Errol D Toulon Head of Suffolk County Sheriff Dept, DR James L. Tomarken Health Dept Comm.
 did the following to me (briefly state what each defendant named above did): Justin Francis,
Alex, Edwards, COs 1688, 1491, 1639 all gang assaulted the plaintiff, Edwards fractured Plaintiff's
 left ankle by bending it maliciously, Alex closed fist punched plaintiff in face several times
Justin Francis punched Plaintiff in the eye socket and Jaw 1688, 1491, 1639 all started kicking me
 and stamping me while I was in hand cuffs on the floor SGT 283 was bending my finger
 fracturing them John Doe SGT joined in the gang assault punching plaintiff and kicking me in
 the buttocks CO 1491 punched me in the left side of my face then squeezing the cuffs
 all the way to the last click where they not lock anymore injuring my wrists, Errol D Toulon
is liable for his subordinates actions because he's in charge for their training to safeguard
plaintiff's constitutional promised rights that was foreseeable that could have been prevented if plaintiff's
rights were honored and the defendants conduct was intentional and deliberate and malicious
to cause wonton infliction of pain. C crew L.T. ordered his subordinates to assault the plaintiff
and L.T. watched it happened and failed to try and fix it L.T. is and was responsible for his
subordinates actions because with intentions to harm plaintiff the defendants followed L.T. orders
to injure plaintiff. Plaintiff also suffers from asthma and L.T. was informed before being sprayed
with chemicals agents and L.T. followed through with the order to have plaintiff sprayed regardless
of medical seriousness. Employees of medical department refused to medically treat plaintiff
and who went against peconic Bay instructions to house me in infirmary and to supervise plaintiff in which they
failed to house and protect plaintiff Dr James L. Tomarken is responsible for decisions and actions of his employees
for conduct of deliberate indifference to plaintiff's medical needs when Tomarken failed to fix it.
Defendants Deprived of plaintiff's property deprived plaintiff to practice religion and retaliated against for redress of grievances
 The constitutional basis for this claim under 42 U.S.C. § 1983 is: Excessive force / assault and

Battery Equal Protections Due Process Freedom of speech, Religion, denial of medical

The relief I am seeking for this claim is (briefly state the relief sought): Punitive Damages Treatment
Compensatory Damages Plaintiff Requests 8 million dollars, plaintiff request an order declaring that the
defendants have acted in violation of United States Constitution, Plaintiff request an injunction compelling defendants
stop violating laws of the constitution or state meaning stop prisoner
brutality and plaintiff respectfully request an order of protection against defendants as a matter of law.
and finally defendants are to be arrested and imprisoned for their wrongful misconduct charges against plaintiff are
to be dismissed in its entirety. **Exhaustion of Administrative Remedies**

According to 42 U.S.C. § 1997e(a), "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Did you grieve and/or appeal this claim:

Yes ☒ No ☐

If your answer is yes, state the result: grievance denied.

Did you appeal that decision:

Yes ☒ No ☐

If your answer is yes, state the result: appeal was voted on and denied.

Attach any documents which indicate that you have exhausted your administrative remedies regarding this claim.

If your answer is no, state why you did not: _____

B. SECOND CLAIM: On (date of incident) 9/20/18 approx 3:45 Loc 45W Bmhu defendant (give the name and position held of each defendant involved in this incident) Justin Francis Alex, Edwards and CO 1491 all correctional (SERT) officers Suffolk Emergency Response Team all came to my cell to take me to diabetic finger stick in which I refused and because I was scared for my life to go with them because they were the same defendants from 9/19/18 who participated in gang assault on 45S. CO Alex informed me that I couldn't refuse I have to go and I was overwakened and these defendants escorted me to the elevator 13 where they began their misconduct of did the following to me (briefly state what each defendant named above did): assaultive behaviors once the elevator door was closed, Alex was the first defendant to strike me in the face then CO 1491, Edwards and Justin Francis, Alex punched me in the mouth and knocked my front teeth out my mouth which fell on the floor they all started stomping me and kicking me Edwards grabbed my right leg and started bending my right ankle spreading it, Justin Francis, Alex, pulled out their batons and started striking me with it hitting me in the face and head area then I fell on cushions, CO 1491 started stomping me again and started to stand on my head while I was on the ground then the elevator doors opened up then I was maliciously thrown into the restraint chair and taken to medical and Alex stated I was spitting up blood and while Alex was assaulting me on the elevator he was saying you gonna press charges on me mother fucker you fuckin nigger you fat black nigger I'll kill you mother fucker after I went to medical I was rushed back out to Jolemic Bay medical center for the second time in one day when I came back to the jail I was hidden in the Super box Bmhu segregated from general population is where I was hidden being deprived of practicing religion, free exercise, showers, hygiene, property, liberty without due process of laws, a disciplinary hearing was held out side my presence and my penalty was an unknown penalty held out side my presence, and being deprived from going to the law library like every other prisoner the correctional staff stated that I wasn't allowed to go to the law library and everywhere I went I had to be in the restraint chair with a mask on my face (spirit mask) I was prevented from going to court from fabrications of acting insubordinate, my lawyer was in charge of getting me a drug program in which he failed to do deliberately because I wrote him up to Judge Mark Cohen and he started being ineffective towards me and he refused to fight for me as my criminal defense attorney Mr. Joseph A. Hanshe told my wife that he wasn't fighting for me and after learning that Mr. Hanshe was good friends with the defendants he help them prosecute me maliciously. The constitutional basis for this claim under 42 U.S.C. § 1983 is: plaintiff that weren't physical, it was premeditated Joseph A. Hanshe promised Plaintiff if he pled out to the charges that he would safeguard my rights and once I took the time 2-4 Mr. Hanshe refused to pursue the claim he even left the claim unattended for months at the time of litigation stage. EXCESSIVE USE OF FORCE, EQUAL PROTECTIONS DUE PROCESS, malicious prosecution, The relief I am seeking for this claim is (briefly state the relief sought): Plaintiff request that criminal charges filed by defendants be dismissed entirely, defendants to be arrested and imprisoned for their malicious misconduct, Plaintiff requests an order granting Plaintiff disability for the rest of his life, Plaintiff request compensatory damages in the amount 5 million dollars to make Plaintiff whole again without retaliation.

Exhaustion of Administrative Remedies

According to 42 U.S.C. § 1997e(a), "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Did you grieve and/or appeal this claim:

Yes ☒ No ☐

If your answer is yes, state the result: Denied

Did you appeal that decision:

Yes ☒ No ☐

If your answer is yes, state the result: Denied

Attach any documents which indicate that you have exhausted your administrative remedies regarding this claim.

If your answer is no, state why you did not: _____

If you have additional claims, use the above format to set them out on additional sheets of paper.

6. RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above

Plaintiff request an order declaring that the defendants have acted in violation of the United States constitution. and Plaintiff is entitled to relief sought. Plaintiff request the defendants is to be incarcerated to Jail for the malicious misconduct acting under color of Law.

Plaintiff request an induction for an order of protection, to pay for Plaintiff hospital fees and that the defendants stop violating prisoners United States constitutional Laws and state constitutions, charges filed against Plaintiff by defendants be dismissed in its entirety award damages for unlawful imprisonment and grant an order for Disability to Plaintiff for the rest of his life for damages done to Plaintiff a person who suffers from a mental illness, Induction compelling defendants to pay medical fees attorney fees without retaliation. Plaintiff requests compensatory damages in the amount of 13 million dollars Resulting from this incident(s) as a matter of law Plaintiff is Entitled to the Relief sought against Defendants Plaintiff also Request Jury Trial. Plaintiff also has permanent Injuries that he has to live with for the rest of his life. Mental anguish pain and suffering.

Do you want a jury trial?

Yes ☒ No ☐

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11/16/19
(date)

NOTE: Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.

Keith Terrell Butler

Signature(s) of Plaintiff(s)

KEITH TERRELL Butler
MARCY ~~Clinton~~ Correctional Facility, Main
MARCY P.O. Box ~~2001~~ 3600
~~Danmemora~~, New York ~~13403~~ 13403-3600

October 26, 2019

Clerk of the Court
United States District Court for
the ~~Southern~~ District of New York
~~500 Pearl Street~~
Daniel Patrick Hornbun United States Courthouse
500 Pearl Street NY, New York 10007-1312



Re: 42 U.S.C. § 1983 Summons and Complaint

Dear Clerk of the COURT:

Please find enclosed one (1) original and three (3) copies of my *Pro Se* 42 U.S.C. § 1983 Summons and Complaint and all supporting papers and affidavits.

If I have failed to serve any other paper work or there is any further information you may need from me in order to process my motion, please feel free to contact me at the above listed address. I would like to thank you for your time and consideration in this matter and I look forward to hearing from your office with a favorable decision from the Court.

Respectfully submitted,

Keith Terrell Butler
Keith Terrell Butler
Claimant, *Pro Se* 19A0179

cc: File

UNITED STATES DISTRICT COURT FOR
THE Southern DISTRICT OF NEW YORK

-----X
Keith Terrell Butler, 19A0179

Claimant,

SUMMONS

vs.

ERROL TOULON who is the Suffolk County Jail Sheriff
and, DR. James L. TOMARKEN who is the Commissioner of Health Services
Justin Francis, Alex and, Edwards, CO #1658, CO 1491,
who is the correction officers, and and SGT John DOE SGT
John L.T, who is the Rank correctional officers who is being sued
individually and in their official capacities.

Defendants.

-----X

TO THE ABOVE-NAMED DEFENDANTS:

You are hereby summoned and required to serve upon the plaintiff, whose address is
MARCY Clinton Correctional Facility Clinton, P.O. Box 3600, MARCY, New York 13403-3600, an answer to
the complaint, which is herewith served upon you, within 20 days after the service of this
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will
be taken against you for the relief demanded in this complaint.

Clerk of the Court
United States District Court for
the _____ District of New York

_____, New York _____

Date: _____

IN THE UNITED STATES DISTRICT COURT
FOR THE Southern DISTRICT OF NEW YORK

-----X
Keith Terrell Butler,
Claimant,

AFFIDAVIT OF SERVICE

vs.

Docket No. _____ ()

Errol Toulon and Suffolk County Sheriff's Dept.
Defendants.
-----X

Claimant Keith Terrell Butler, affirms under penalty of perjury the foregoing:

That he has on the 16 day of November, 2019, served:

with a true and accurate copy of this Claim along with my supporting by regular first class mail, by placing such in a properly sealed postage paid envelope and depositing same in a mailbox at Clinton Correctional Facility, to be mailed by the U.S. Postal Service.

Respectfully submitted,

Keith Terrell Butler
Keith Terrell Butler
Claimant, Pro Se 19Ad179
Marcy Clinton Correctional Facility
P.O. Box ~~2004~~ 3600 13403-3600
Marcy
Dannemora, New York ~~12045~~

cc: File

UNITED STATES DISTRICT COURT

Southern District OF NEW YORK X

KEITH TERRELL BUTLER

Plaintiff,

- against -

Assault and Battery Tort under

42 USC 1983

COMPLAINT

Suffolk County, Suffolk County

Sheriff Department, Sheriff Error D.

Toulon of Suffolk County correctional facility,

Justin Francis, Alex, Edwards, area SGT

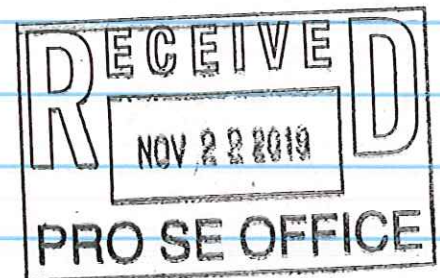
John DOE, C. Crew LT. John DOE, 1# John Doe,

2# John Doe #3 John Doe #4 John Doe 5# John Doe #6 John Doe,

7# John Doe, #8 John Doe correctional officers, DR. James L.

TOMARKEN Commissioner of HEALTH Services, CO #1688,

CO #1491 who is sued individually and official capacity
Defendants)



I COMPLAINT

Plaintiff KEITH TERRELL BUTLER, Pro-se for complaint states as follows:

The above Defendants violated Plaintiff's Promised Civil Rights of Fed / state Constitutions amendments known as Bill of Rights with the intent to gang assault and Battery that deprived the Plaintiff of his rights that was foreseeable and pre-deprivation safeguards could have prevented the harm suffered in violation of Eighth and Fourteenth Constitutions amendment of New York state and federal of The Equal Protections of Laws.

II PARTIES, Jurisdiction and venue

1. Plaintiff KEITH TERRELL BUTLER WAS confined in The Riverhead Suffolk County Jail of The state of NEW YORK Correctional Institutional services, Sheriff's Department located at 110 Center Drive Riverhead, NY 11901, FROM June 14, 2018 TO January 16, 2019. Plaintiff is currently confined at Marcy Correctional Facility RM HU Box 3600 13403-3600.
2. Plaintiff Keith TERRELL BUTLER is, and was at all TIMES mentioned herein an adult CITIZEN of THE UNITED STATES and a resident of The state of New York.
3. Defendant ERROL D. TOULON was at all Relevant times herein The Commissioner of adult services for The county of Suffolk, with Responsibility's for operating and maintaining detention Penal and corrective Institutions within The county of Suffolk, Including The city Jail.
4. Defendant ERROL D. TOULON was at all Relevant times herein The Warden, Commissioner, Superintendent of The Municipal Prison for The city of Riverhead, as superintendent of the Prison, Defendant manages its day to day operations and executes its policies.
5. Defendant Justin Francis is and was at all Relevant times herein an Employee of the Prison.
Defendant Justin Francis is Employed as a correction officer such as Prison Guard at Riverhead Suffolk County Jail.
6. Defendant Alex is and was at all Relevant times herein an Employee of the Prison.
Defendant Alex is Employed as a correction officer such as Prison Guard at Riverhead Suffolk County Jail.

7. Defendant Edwards is and was at all Relevant times herein an Employee of the Prison.

Defendant Edwards is employed as a corrections officer such as Prison Guard at Riverhead Suffolk county Jail.

8. Defendant Co Badge #1688 is and was at all Relevant Times herein an Employee of The Prison

Defendant Co Badge #1688 is employed as a correction officer such as prison Guard at Riverhead Suffolk county Jail.

9. Defendant Co Badge #1491 is and was at all relevant times herein an Employee of The Prison

Defendant Co Badge #1491 is employed as a correction officer such as Prison Guard at Riverhead Suffolk county Jail.

10. Defendant(s) John Does 1-8 is and was at all Relevant times herein an Employee of The Prison

Defendant(s) John DOES 1-8 is employed as a correction officer(s) such as Prison Guard(s) at Riverhead Suffolk county Jail.

11. Defendant area SGT John Doe is and was at all Relevant times herein an Employee of The Prison

Defendant area SGT John DOE is employed as correction officer sergeant such as Prison Guard in Rank at Riverhead Suffolk county Jail.

12. Defendant Lieutenant John Doe of C. Crew sert Team is and was at all times

herein an Employee of The Prison.

Defendant Lieutenant John Doe of C-crew serT team is employed as correction officer Lieutenant such as prison Guard in Rank at Riverhead Suffolk County Jail.

13. Defendant DR. James L. Tomarken Commissioner of Health services is and was at all times Relevant herein an Employee of The Prison.

Defendant Dr. James L. Tomarken Commissioner of health services ~~is~~ employed as Commissioner of Department of Health at Riverhead Suffolk County Jail.

14. Defendant city of Riverhead is and was at all Relevant Times herein a municipal corporation of The state of New York

15. This action arises under and is Brought Pursuant to 42 U.S.C. section 1983 To Remedy The Deprivation, under color of state law, of Rights Guaranteed by The Eighth and Fourteenth Amendments to The United States Constitutions This Court has Jurisdiction over This action Pursuant to 28 U.S.C. sections 1331 and 1343.

16. plaintiff's claims for Injunctive relief are authorized by Rule 65 of The Federal Rules of civil Procedure.

17. This cause of action arose in The Southern District of New York Therefore, venue is proper under 28 U.S.C. section 1391(b)

III. Previous lawsuits by Plaintiff

18. Plaintiff has filed no other lawsuits dealing with the same facts involved in this action or otherwise relating to his imprisonment.

IV. Exhaustion of Administrative Remedies

19. Inmate grievance was filed and the outcome was denied and internal affairs investigation was still pending so grievance program could not render a final decision so they denied the grievance.

V. STATEMENT OF CLAIM

20. at all relevant times herein, defendants were "persons" for purposes of 42 U.S.C. section 1983 and acted under color of law to deprive plaintiff of constitutional rights, as set forth more fully below.

VI. statement of facts.

21. on September 19, 2018 approx 8:15 PM C-crew SERT team came into 4 south east attacked me maliciously grabbed my legs and pulled me off the table on to the floor and started punching me kicking me and stomping me then bent my left ankle with all his might until fracturing the bone, my head and face was filled with blood from being pummed on I'm an asthmatic and was also sprayed with chemical agents before I was attacked. Plaintiff is also a diabetic and his medical shoes were taken out of retaliation by sergeant Lowry

22. To Discontinue Plaintiff's sneaker pass that was approved thru medical and the facility security and Mr. SGT Lowry ordered the RN to remove the sneaker pass from the system out of animosity he had for me. Then

made The move to Take my shoes medically ordered by foot doctor for Diabetic Reasons and The nurse coerced with sergeant Lowry to removed The order from The system, shortly after SGT Lowry took my shoes I was Escorted back to my cell Barefooted after being Refused footwear before returning to my cell.

23. Shortly after Returning back from 7:00 pm Medication Run I was then assaulted gang assaulted then pushed to Peconic Bay Medical center in Riverhead NY #901 for serious INJURIES as follows: skull fractures, facial fractures, ankle fractures finger sprain front Teeth Broken from Physical assault and Battery I was taken to hospital a 2:32 am and The incident occurred at 8:15 pm on 9/19/18

24. Plaintiff returned to Suffolk County Jail with crutches and cast on left foot then Thrown in what they call The Super Box (SHU) into a filthy dirty cell with Bugs dirty film all over The bed posts and toilet bowl & sent without Tier hearing and personal property and Due process of laws, I was also Deprived of food and water and The CO working That Day stated to me Butler you ain't getting shit. so I was deprived food and Hygiene products for almost one week.

Second claim

25. On September 20, 2018 approx 3:45 PM correction officer(s) Justin Francis, alex, and Edwards John Doe #1 John #2 came in front of my cell location Bmhu 4 South west telling me to put my hands out The slot for medical and I Told Those officers That I Refuse and alex told me That I cant Refuse and opened my cell and handed me my crutches forcing me to go to medical and I'm scared for my life now Because These CO's were The same ones who assaulted me The day before who still had animosity towards

me and I didn't want to go at first. once we reached the Elevator Doors one co defendant didn't get on the Elevator and the area supervising Sgt had a look in his eyes that he knew I was about to get assaulted by the escorting Defendants Justin Francis, Alex, Edwards, John Doe #1 John Doe #2 once the Elevator Doors closed, Alex Edwards, Justin Francis, John Doe #1 John Doe #2 attacked me while I was on crutches Francis, Alex, Edwards John Doe #1 John Doe #2 all gang assaulted me, Alex punched me in my face first knocking me to the floor then they all started assaulting me physically punching kicking and stomping me they used their knife and baton as weapons hitting me with the objects, when alex punched me in the face I fell on my conscious and regain conscious while John Doe #1 was standing on my head stomping me and Edwards were bending my right ankle trying to fracture the bone.

26. while alex was hitting me with his baton saying to me you gonna press charges on me mother fuckin nigger, I then fell on my conscious again and when I became aware again Edwards and alex pulled my clothes down groping my genitals and buttocks unzipping his pants when I saw alex and Edwards unzipping their pants the Elevator Doors opened and the lobby officer saw what was happening and ran over and they all threw me into a restraint chair and rushed me to medical is where I was rushed out again to Peconic Bay medical center for the second time for more injuries as follows: sprained right ankle which Edwards sprained, alex broke my jaw, and

27. Justin Francis punched my teeth out my mouth and then Alex and Edwards was pulling down my pants groping my Buttocks and Genitals then they both started to unzip their pants then the Elevator door opened. The lobby officer noticed what was going on and stated oh shit what are you guys doing. Alex stated that Plaintiff spit Blood on them is why they justified the battery in which Alex stated the same fabrication to Medical while dropping Plaintiff off then leaving.
28. Justin Francis filed new charges of Criminal Assault 2nd because he hurted himself in the process of doing his duties of his job in which Plaintiff never physically assaulted the Defendant in which Defendant returned to work the very next day. Justin Francis along with Alex Edwards stated they were going to fuckin kill me when I come back from the hospital.
29. Disregarding the hospital's instructions to house Plaintiff in the Infirmary medical and medical sergeant Merraino ordered that I be put into the Super Box unattended with serious injuries. Dr. Jame L. Tomarken's office was contacted and in which was informed by my wife and criminal defense lawyer Joseph Hanstke to place Plaintiff or to transfer Plaintiff in which he disregarded by not trying to fix Plaintiff's condition of confinement which was a health hazard to his injuries. Which he is liable

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Defendant Dr. Tomarken intentionally did not administer and refused to fulfill any of Plaintiff's requests for follow up care. as a result Dr. Tomarken's deliberate indifference to Plaintiff's condition Plaintiff suffered further pain and mental anguish, he continued to suffer from migraine headaches and general pain for His Employees actions for denying adequate medical treatment with continued pain throughout his body in addition Plaintiff was unable to eat properly for days.

30. Defendant Joseph A. Hanshe my Criminal Defense attorney was at all time relevant and who is employed as defense attorney to protect Plaintiff's rights once he learned Plaintiff was assaulted and who also refused to keep me safe for my protection, he instead helped those co's cover up the assaults Mr Hanshe acted in concert with Suffolk County corrections to block Plaintiff from seeing the judge in a criminal matter to cover up injuries of Plaintiff until after Plaintiff's injuries healed so Mr. Hanshe abused his authority by rescheduling my court appearances, Nov 1, 2018 Plaintiff was

31. scheduled to go in front of Judge Effman to become eligible for (J.D.P.) Judicial Diversion Program which Mr. Hanshe denied to produce me from and Mr. Hanshe fabricated that Plaintiff was becoming violent at the jail acting insubordinate, meanwhile these events never occurred and Plaintiff was sitting in wheel chair awaiting Sert pick up to go to court and which they never showed up which is on video surveillance Mr Hanshe is ineffective and he also told my wife that he is not going to fight for Plaintiff and that whether or not he'll still make \$50,000 off my case and that he was not going to defend me. Mr. Hanshe swindled me to take the charges in order for him to safeguard my civil rights in fed court and he filed noticed of claim and once Plaintiff was sentenced Hanshe told my wife that he was not filing

my appeal for my criminal case for my conviction after he assured me in court that he would file an appeal which he fabricated and Blackmailed me on. Then Mr. Hanshe also stated that he would not be my lawyer for my civil suit after retrieving documents to this civil lawsuit that he refuses to release he happened to be hindering evidence that he has. which is copy of my video surveillance, documents photos, Badge numbers of CO's authorize releases for medical records.

32. Mr. Hanshe helped the DA prosecute me as well as he acted under color of law and he is at all times relevant who failed to protect my rights in a court of law Defamation of Character he also had private conversation with DA to prosecute me and to cover up the unlawful assault.

VII Prayer for Relief

Plaintiff Requests an order declaring that the Defendants to provide money damages to cover hospital and attorney fees as well as filing fees in the amount of \$20,000 and to stop assaultive behaviors. Plaintiff Requests an order declaring that the defendants have acted in violation of the United States Constitution. Plaintiff Request \$13 Million dollars as compensatory damages to make me wholly again.

I declare under penalty of perjury that the foregoing is true and correct.

UNSAFE ENVIRONMENT

From approximately September 19, 2018 through September 20, 2019 plaintiff was mercilessly beaten and savagely sexually assaulted by defendant Alex and Defendant Edwards and other fellow subordinates of corrections whose names are unknown to plaintiff. As a result of these assaults, plaintiff Keith Terrell Butler suffered fractured skull, fractured facial bones, fractured ankle, fractured teeth, fractured jaw bone abrasion, laceration to right ~~eye~~ that was so severe it need stitches, contused head, swollen face, sprained wrists, strained fingers, Busted mouth, stitches that were left in my mouth for over thirty days. Ears cartilage deformed, severe injuries and severe anxiety. Defendant Justin Francis, Alex, Edwards knew about the injuries; despite plaintiff's request for hospitalization, Defendant Dr. James L. Tomarken denied plaintiff access to medical care.

On Sept 19, 2018 approx 8:15 PM CO #1688 knowingly and negligently committed, Tended to cause the injuries received by plaintiff, such as: A number of Prison Guards knowingly and negligently opened the holding cell doors of 4 EAST south (S.H.U.) Special Housing unit and allowed the intermingling of corrections officers, many of them in for the commission of extremely violent acts under the color of law. These guards were well aware of the severe danger to plaintiff health and safety. The prison guards failed to properly supervise the prison and provide for plaintiff's safety. They also purposely and recklessly failed to provide plaintiff with medical assistance and a safe environment as a prisoner, thereby depriving plaintiff of his civil rights, guaranteed by the constitutions and laws of the United States and of the state of New York.

Defendants #1, #5, #6, #9's recklessness, failure to properly train and manage

Prison Guards and medical doctor of The county of Suffolk state of new York, and failure to adequately supervise and protect plaintiff's from The acts complained of caused The deprivation of plaintiff's fundamental Rights.

INADEQUATE LAW LIBRARY AND FACILITIES

Plaintiff was Denied access to The law library and who was Banned Resulting From assault Battery incident. which showed Deliberate Indifference to plaintiff's legal needs, The prison library was shockingly inadequate. despite The Computers they have with no Instructions on how to use them also The prison has no legal clerk who know about The law. The prisoners were supposed to be called out to access to law library at least Three times a week. However, they were regularly called only once a week or less. Five prisoners at a time were sent to The library for a period of ninety minutes, Not enough time to adequately conduct Research and prepare legal documents. As a result it was and still Extremely difficult for The prisoners to get more than a small amount of work done Each time they went to The library.

INADEQUATE MAIL FACILITIES (CORRESPONDENCE)

The mail Processing system at The prison was Extremely Inadequate. mail was frequently lost or misplaced. IN addition, The prison did not have any secure Place for Incoming or out going mail to protect against The mail being stolen or lost.

UNADEQUATE AND UNSANITARY HOUSING

1. Numerous Insects, Rats, Mice and other vermin were in the prison throughout the period of Plaintiff's confinement from June 2018 until the time of this complaint.
2. An exterminator did visit the prison in Sept 2018, but only the common areas and guard areas were sprayed. Individual cells were never sprayed. When the common areas were sprayed, roaches and other vermin simply moved into the individual cells. Once the fumes disappeared, the vermin returned unharmed to again infest the entire prison.
3. The exterminator wore mask and gloves, but prisoners remained in their cells and were not given mask or protective clothing.
4. There was no ventilation to prevent prisoners from inhaling the fumes. Plaintiff and fellow prisoners suffered severe headaches and nausea after the extermination.
5. Inadequate lighting in the cells made reading for more than a few minutes at a time extremely difficult and nearly impossible. Requests for lamps or stronger light bulbs were denied on request.

Keith Terrell Butler

DATED: 11/16/2019

Sworn to before Me This
____ day of _____, 2019

Notary Public

Signed This day of November, 16, 2019

Keith Terrell Butler
Pro-se 19A0179

I Declare Under Penalty of Perjury THAT The foregoing is True
and correct.

DATED: November 16, 2019
MARCY NY 13403-3600

NEW YORK STATE
DEPARTMENT of Law
Regional office
300 Motor Parkway, suite 230
Hauppauge, NY 11788-5127

DENNIS M. BROWN
COUNTY ATTORNEY
H. LEE DENNISON Bldg, 6th Floor
P.O. Box 6100
HAUPPAUGE NY 11788-9623

Keith Terrell Butler
✓ KEITH Terrell Butler
19A0179 PRO-SE
MARCY correctional facility
Box 3600
MARCY, NY 13403-3600

AFFIDAVIT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
KEITH TERRELL BUTLER



Plaintiff,

- against -

Suffolk county

Defendant(s)

AFFIDAVIT

OF KEITH TERRELL BUTLER

19A0179 Pro-se

AFFIDAVIT OF KEITH TERRELL BUTLER

I, KEITH TERRELL BUTLER, being duly sworn According To The
LAW deposes and SAYS That I AM The Plaintiff IN The Above
Entitled Proceeding, MAKING This statement

All OF The Information I have submitted
in This complaint in support OF MY Request, Plaintiff case
is True and correct.

Sworn To before ME This
_____ day of _____, 2019

NOTARY Public

Keith Terrell Butler
signed

KEITH TERRELL BUTLER

19A0179 PRO-SE

MARCY Correctional Facility

Box 3600

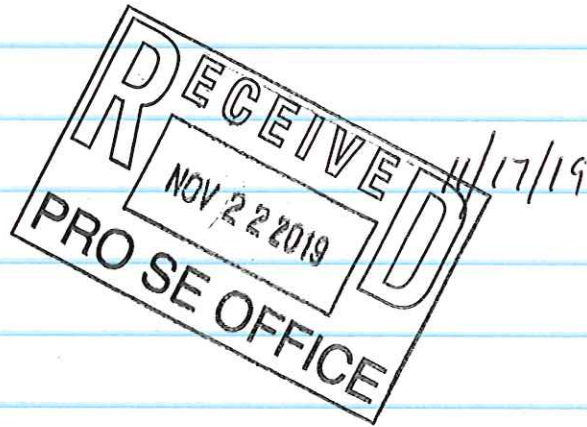
MARCY, NY 13403-3600

CC: /FILE FED CT. KB

COVER LETTER

To Clerk of The Court

Deputy clerk of court
United States District Court
Southern District of New York
800 Pearl Street
New York, NY 10007-1312



Dear Deputy Clerk,

Enclosed is complaint 1983 and summons and affidavit
Please advise me of such once the County Law Dept
has been served with summons and complaint and
please send me pro se litigation manual and copy of
The constitutional amendments laws / Bill of Rights and
caselaw on excessive use of force by prison guards.
Please add me to pro bono panel list / send me the avail list of lawyers.

Thank you

Keith Butler
19A0179
Marcy correctional facility
Box 3600
Marcy NY 13403-3600

CC / file

SUMMONS IN CIVIL ACTION

UNITED STATES DISTRICT COURT

Southern District of New York

KEITH TERRELL BUTLER 19A0179

Plaintiff

- Against -

Suffolk county, Suffolk county sheriff

Errol D toulon, of Suffolk county correctional

facility, Justin Francis, Alex, Edwards

John Doe are sergeant, C. Crew L.T. of SERT

John Doe, John Doe⁽¹⁾ John Doe⁽²⁾ John Doe⁽³⁾

John Doe⁽⁴⁾ John Doe⁽⁵⁾ John Doe⁽⁶⁾ John Doe⁽⁷⁾

John Doe⁽⁸⁾ COth Badge 1658, COth Badge 1491, all

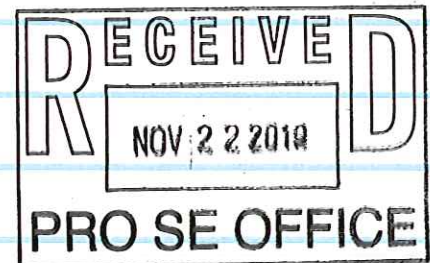
corrections officers with rank, DR. James L.

Tomarken commissioner of Department of Health

services who is sued Individually and in their

official capacity

Civil Action NO.



Defendant(s)

SUMMONS IN CIVIL ACTION

To. Defendant(s) in Above caption whom's work place is at The following Address:

100 center Drive sheriff's office Riverhead, NY 11901

A lawsuit has been filed against you for assault and Battery and medical neglect in The Southern District federal court of law for The wrongfull acts and omissions of Riverhead Suffolk county Jails employees.

within 21 days after service of This summons on you (not counting The Day you Recieve it) - or 60 days if you are The united states or a united states agency, or

an officer or employee of the United States described in Fed. R. Civ. P. 12(a)(2) or (3).
You must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are Marcy Correctional Facility Box 3600 Marcy NY 13403-3600. If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Dated: 11/16/19

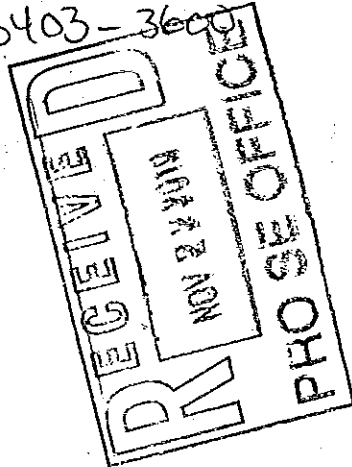
Marcy NY 13403-3600

Keith Butler
19A0179 Pro-se

Cc/file

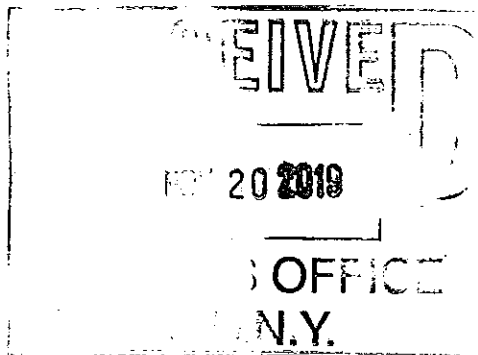
Kenna Butler 19A-179
Marcy Correctional Facility
Box 3600

Marcy NY 13403-3600

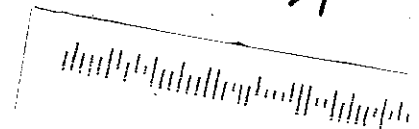


US
DISTRICT
COURT
SOUTHERN
DISTRICT
NEW YORK

UNITED STATES
SOUTHERN DISTRICT
DANIEL PATRICK MO
500 PEARL Street
New York New York



PRO SE INTAKE
GP



Legal mail